

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICK ROY HARPER,
Plaintiff,
v.
PETER GEORGES, et al.,
Defendants.

Case No. 23-cv-05426-VC

ORDER DISMISSING COMPLAINT

The complaint is dismissed with prejudice. This ruling assumes the reader is familiar with the facts, the applicable legal standards, and the arguments made by both parties.


There are multiple reasons for the dismissal. First, the complaint does not allege sufficient factual matter to state a plausible claim for relief. The allegations necessary to support the causes of action are either absent or merely conclusory. For example, the plaintiff simply asserts that there was a “malicious prosecution,” but the plaintiff does not describe facts that—if true—would enable a conclusion that the plaintiff is entitled to relief for due process violations. Second, the action is barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). The plaintiff is asserting that the actions of multiple prosecutors and an investigator in his case were unconstitutional in a way that would render his subsequent conviction invalid. But he has not shown or even alleged that his conviction was invalidated. Finally, to the extent that the state prosecutors named in this action are being sued in their individual capacities for damages, they are immune from personal liability for the conduct at issue.

The dismissal is with prejudice. The initial complaint in this action was hundreds of pages long and difficult to follow. When the initial complaint was dismissed, the plaintiff was given leave to amend to strip extraneous matters and allege sufficient facts to state a claim.

While the amended complaint is clearer about what alleged events form the basis of the suit, it still clearly fails to state a viable claim for relief. The Clerk of the Court is directed to close the case.

IT IS SO ORDERED.

Dated: May 21, 2024



VINCE CHHABRIA
United States District Judge